IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 18903 of 2005

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Date: 25.08.2005

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Between:

M. Ramesh Babu,

R/o.Nagaiahgutta village, Nellore District.

PETITIONER

Vs.

The Depot Manager,

A.P.S.R.T.C., Kavali Depot,
Kavali, Nellore District

RESPONDENT

ORDER:

This writ petition is filed by the petitioner aggrieved by the impugned order passed by the respondent Corporation imposing a major penalty of withholding of annual increment for a period of one year with cumulative effect, without conducting departmental enquiry.

2 . According to the petitioner, he was working as a driver in the respondent Corporation. While so, he was charge sheeted on 18.07.1994 on the allegation that he unauthorisedly absented for the duties from 09-07-1994 to the date of the charge sheet. The petitioner submitted his explanation on 22.07.1994. But, however, the respondent, having not satisfied with the said explanation, instead of conducting regular departmental enquiry, passed the impugned order imposing major penalty of withholding of annual increment for a period of one year with cumulative effect. Hence, the petitioner has come up with the present writ petition.

3. Learned counsel for the petitioner contended that the impugned order passed by the respondent Corporation is illegal and without jurisdiction in view of the judgment of the Supreme Court in **KULWANTH SINGH GILL v. STATE OF PUNJAB**. Hence,

sought to set aside the same.

4. Heard both sides and considered the material available on record.

5. The grievance of the petitioner is that the respondent Corporation imposed the punishment of withholding of one annual increment with cumulative effect, without conducting departmental enquiry. Therefore, the same is illegal and unsustainable in the light of the judgment of the Supreme Court referred to supra.

6 . Though, in the normal circumstances, this Court ought to have set aside the matter and remanded the same to the respondent Corporation for fresh consideration, but in view of long lapse of time, this Court is inclined to modify the major punishment into one of minor punishment.

7 . Accordingly the impugned order is modified restricting the punishment of withholding of annual increment for a period of one year without cumulative effect. However, it is made clear that the benefits, to which the petitioner is entitled to, as a result of the modification of the impugned order, shall be effective only from the date of this order and the petitioner is not entitled to claim any benefits for the period prior to the date of the present order.

7. The writ petition is accordingly disposed of. No order as to costs.

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S. Ananda Reddy, J

Date: 25.08.2005

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